

# Complaints and Appeals

## Version Information

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## Purpose and Scope

1. This policy is designed to ensure that:
  - a. Goodstart Institute of Early Learning effectively and efficiently manages complaints and appeals:
    - i. involving the conduct of Goodstart Institute of Early Learning, its trainers and assessors, or other staff; or a third party providing services on Goodstart Institute of Early Learning's behalf, its trainers, assessors or other staff; or a client of Goodstart Institute of Early Learning.
    - ii. related to the programs, services and operations of Goodstart Institute of Early Learning or those provided by a third party on behalf of Goodstart Institute of Early Learning;
  - b. complaints and appeals are handled in a fair and equitable manner; and
  - c. clients, staff, and other interested parties have a clear understanding of the steps involved in making a complaint or appeal.
2. In this policy "clients" are defined to include course applicants, individual students, organisational clients, employers, or any individual, group or enterprise accessing services provided by or on behalf of Goodstart Institute of Early Learning.
3. In this policy "staff" is defined to include both employees and all contractors providing services on behalf of Goodstart Institute of Early Learning.

## Definitions

### Complaint

A complaint is any expression of dissatisfaction with an action, product or service by a client, staff member, or other stakeholder.

### Complaints Process

A process by which a student, staff member, industry client, or other stakeholder may raise a concern about the conduct of:

- a) the RTO, its trainers, assessors or other staff;
- b) a third party providing services on behalf of the RTO, its trainers, assessors or other staff; or
- c) a student of the RTO.

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## Appeals

A process whereby a student, staff member, industry client, or other stakeholder may request the review of a decision made by the RTO or a third party providing services on the RTO's behalf. The decision made by the RTO or a third party may be an assessment decision or may be about any other aspect of the RTO's operations. An appeal is generally an escalation of a complaint, where the appellant is dissatisfied with the process or outcome of a complaint.

## General

1. Goodstart Institute of Early Learning encourages open communication and an environment of trust.
2. All clients, staff and other interested parties have the right to raise complaints or appeals without fear of retribution.
3. Goodstart Institute of Early Learning recognises the right of all clients, staff and other interested parties to seek the assistance of an external organisation to resolve a complaint or appeal.
4. All complaints and appeals will be treated seriously and will be responded to in a timely manner, impartially and confidentially.
5. All formal complaints and appeals will be treated as opportunities for improvement and will be reviewed by the Head of Institute as part of the Goodstart Institute of Early Learning's Continuous Improvement Process. Where appropriate, an Improvement Plan will be created and implemented.
6. This Complaints and Appeals Policy will be disseminated to clients and staff via Goodstart Institute of Early Learning's website.

## Complaints Management

### Complainant Rights and Responsibilities

1. When a complaint is made the complainant has the right to:
  - a. discuss a problem without having to make a formal complaint (i.e. in writing);
  - b. be protected against unjust treatment or victimisation;
  - c. be kept up to date on progress and decisions made;
  - d. withdraw the complaint at any time in the proceedings, and
  - e. take their complaint to an external body.
2. When a complaint is made the complainant is responsible for:
  - a. making the complaint in good faith;
  - b. providing all of the relevant facts, and
  - c. co-operating with the resolution process.

# Complaints and Appeals

## Informal Complaints

1. Clients, staff and other stakeholders are encouraged to firstly resolve any complaints they have in an informal manner.
2. Clients, staff and other stakeholders can do this by approaching the person/s against whom they are making the complaint and try to rectify issues that relate to their complaint.
3. If the matter remains unresolved the client, staff member or other stakeholder can lodge a formal complaint with the Student Services Manager.
4. Complaints received via phone should be transferred to the relevant manager. If the relevant manager is not available the staff member taking the call should:
  - a. take the complainant's details including their full name, contact details and a brief description of the complaint;
  - b. notify the complainant that the relevant manager is currently unavailable; and
  - c. email the details to the relevant manager at the earliest opportunity.

Under no circumstances should the staff member provide advice or a resolution to the complainant.

## Formal Complaints

1. A client, staff member or other stakeholder may choose to raise a concern formally in writing. Formal written complaints should be submitted to the Student Services Manager and should contain the following details:
  - a. the reason(s) for the formal complaint i.e. the why, and
  - b. provide situational background to the complaint i.e. the what, when, who, where and how.
2. Within 24 hours of receipt, the Student Services Manager will contact the complainant to acknowledge receipt of the complaint.
3. The Student Services Manager having regard for the relevant circumstances will consider the formal complaint by:
  - a. reviewing the client, staff member or other stakeholder correspondence;
  - b. verifying that all appropriate policies and procedures have been correctly carried out;
  - c. sourcing additional information from appropriate individuals concerning the subject of the complaint;
  - d. discussing the matter directly with the client, staff member or other stakeholder; and
  - e. undertaking other investigation or action as appropriate.
4. After consideration of all available evidence, the Student Services Manager may decide to:
  - a. Dismiss the complaint (refer below).
  - b. Uphold the complaint and direct that:
    - i. compensation as appropriate be made to client, staff or stakeholders, and/or
    - ii. where relevant administrative systems or procedures be reviewed;
    - iii. appropriate preventative action be undertaken;
    - iv. other actions as appropriate.

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5. The complainant will be informed of the outcome within 15 working days of submission of the formal complaint. If for any reason the management of a complaint takes longer than 15 days, the complainant will be informed of the reasons for the delay and will be provided with regular updates on the progress of the matter. The written advice of the outcome shall include the reasons for the outcome and advise the complainant of their right to appeal.

### Circumstances in Which Complaints May Not Proceed

1. A complaint will not proceed when:
  - a. the matter that is being complained about complies with relevant legislation,
  - b. the complaint has been previously dealt with,
  - c. an external body that has jurisdiction has already investigated the complaint,
  - d. the complaint is made anonymously, or
  - e. the complainant declines to be named.
2. A complaint will not proceed if it is found to be fabricated, frivolous, vexatious or malicious.

These types of complaints are characterised by:

- a. giving false or misleading information,
- b. withholding relevant information or distorting the facts, or
- c. demonstrating no real commitment to resolving the complaint.

Persons making these types of complaints may be subject to disciplinary action.

3. The complainant will be informed in writing why the complaint has not been investigated.

## Appeals Management

1. An individual has the right to appeal the outcome of a complaint.
2. An appeal may be made on one or more of the following grounds:
  - a. new evidence of a relevant nature is available;
  - b. the decision was made without due consideration of all facts, evidence or circumstances;
  - c. there was bias, prejudice or a conflict of interest by the person investigating, and/or
  - d. some significant policy/procedural irregularity occurred in the investigative process.
3. Appeals should be submitted to the Head of Institute in writing within 7 working days of the complainant receiving notification of the outcome of the complaint procedure, and must set out the grounds of the appeal and provide any supporting evidence.
4. Within 24 hours of receipt, the Head of Institute will contact the appellant to acknowledge receipt of the appeal.
5. The Head of Institute will investigate all appeals. The investigation stage may include interviews with the appellant, any witnesses or other relevant persons, and a review of any documentation.

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6. The appellant will be provided with a written statement of the appeal outcomes, including reasons for the decision within 15 working days of submission of the appeal. If for any reason the management of an appeal takes longer than 15 working days, the appellant will be informed of the reasons for the delay and will be provided with regular updates on the progress of the matter.

### Appeal Against Assessment Decision

1. Any student dissatisfied with the mark awarded for or outcome of an assessment task, or the final result for a unit because they feel the mark or result is unfair or incorrect, may submit a request to the Lead Assessor for a review. Students are able to do this by emailing the completed appeals section on Marking Feedback Tools to [assess@goodstart.edu.au](mailto:assess@goodstart.edu.au).
2. In the first instance, such review will be undertaken by the original assessor. If the student remains dissatisfied with the outcome then he/she may lodge a formal appeal.
3. The appeal must be in writing, explain reasons for the appeal, and be submitted to the Lead Assessor within 7 working days of the student being notified of the review outcome.
4. Where reasonable grounds for appeal exists, the Lead Assessor will arrange for an alternate assessor within the organisation (independent of the student's learning and assessment with the RTO) to review the assessment judgement, such as the Senior Lead Trainer. If this is not possible or appropriate the Lead Assessor will arrange for an external review to be undertaken. Any costs associated with the external review will be borne by Goodstart Institute of Early Learning
5. The student will be notified in writing of the outcome of the external review. The outcome of the external review will be final.

### External Agencies

1. Where all internal avenues have been exhausted and the matter remains unresolved, complainants/appellants may choose to seek advice and support from an external agency.
2. Examples of such agencies include but are not limited to:
  - a. A range of mediation services and dispute resolution agencies provided by local councils and state governments;
  - b. National Training Complaints Hotline - telephone 13 38 73 (Monday to Friday, 8.00 am – 6.00 pm or via email to [skilling@education.gov.au](mailto:skilling@education.gov.au)), or
  - c. Australian Quality Skills Authority – [www.asqa.gov.au](http://www.asqa.gov.au)
3. Where the complainant or appellant chooses to seek support or advice from external sources the complainant or appellant will be required to meet any costs in doing so.

## Record Keeping

1. Staff members associated with investigating and resolving a complaint or appeal are required to keep file notes of any related discussions or actions. Such file notes are to be marked 'Strictly Confidential' and be held in a secure restricted place. All official correspondence with the complainant/appellant will be retained in the same place on the Complaints & Appeals Register.

## Complaints and Appeals

2. Notes should be kept to a minimum stating only facts and relevant details as described by the parties. Dates and times of interactions should also be recorded.
3. All complaints and appeals including the nature of the complaint/appeal, the outcomes of the complaint/appeal will be recorded onto Goodstart Institute of Early Learning's Complaints & Appeals Register; and
4. Actions arising from complaints and appeals processes will be used to continuously improve Goodstart Institute of Early Learning's systems and operations.